

Attorney Docket: 27074U

MAIL STOP PCT

U.S. Department Of Commerce, Patent And Trademark Office		Date: December <u>9</u> , 2005
Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Filing Under 35 U.S.C. 371		U.S. Application No. <u>2004/0116</u> (if known) Not Yet Assigned
International Application No.: PCT/EP2004/051120	International Filing Date: 15 June 2004 (15.06.2004)	Priority Date Claimed: 16 June 2003 (16.06.2003) EP
Title of Invention: COMPOSITION COMPRISING A PULMONARY SURFACTANT AND A PDE5 INHIBITOR FOR THE TREATMENT OF LUNG DISEASES		
Applicants for DO/EO/US: WOLLIN, Stefan-Lutz		
<p>Applicant hereby submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:</p> <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</li> <li><input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 USC 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</li> <li><input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)):             <ol style="list-style-type: none"> <li><input checked="" type="checkbox"/> is transmitted herewith (required only if not transmitted by the International Bureau).</li> <li><input type="checkbox"/> has been communicated by the International Bureau.</li> <li><input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US)</li> </ol> </li> <li><input type="checkbox"/> A English translation of the International Application as filed (35 U.S.C. 371(c)(2)).</li> <li><input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))             <ol style="list-style-type: none"> <li><input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau).</li> <li><input type="checkbox"/> have been communicated by the International Bureau.</li> <li><input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</li> <li><input checked="" type="checkbox"/> have not been made and will not be made.</li> </ol> </li> <li><input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</li> <li><input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</li> <li><input type="checkbox"/> A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</li> </ol> <p><b>* ITEMS 10 to 19 BELOW CONCERN OTHER DOCUMENT(S) OR INFORMATION INCLUDED:</b></p> <ol style="list-style-type: none"> <li><input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</li> <li><input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</li> <li><input checked="" type="checkbox"/> A <b>FIRST</b> preliminary amendment.</li> <li><input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment</li> <li><input type="checkbox"/> A substitute specification.</li> <li><input type="checkbox"/> A change of power of attorney and/or address letter.</li> <li><input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter2 and 35 USC 1821 - 1825</li> <li><input type="checkbox"/> A second copy of the published international application under 35 USC 154(d)(4)</li> <li><input type="checkbox"/> A second copy of the English language translation of the international application under 35 USC 154(d)(4)</li> <li><input checked="" type="checkbox"/> Other items or information:              Application Data Sheet; International Publication Number: WO 2004/110450 A1, with PCT/ISA/210 (International Search Report); International Publication Date: 23 December 2004 (23.12.2004), which consists of 28 pages: 1 page for the Cover Sheet, 20 pages of Textual Specification, 7 pages of 28 Claims, 0 sheets of Drawings; Preliminary Amendment with Appendices A and B to be Examined; Executed Declaration and Power of Attorney; PCT/IPEA/409 (International Preliminary Report on Patentability); PCT/IB/308 (First Notice Informing the Applicant of the Communication of the International Application); PCT/IB/308 (Second and Supplementary Notice Informing the Applicant of the Communication of the International Application); PCT/IB/332 (Information Concerning Elected Offices Notified of Their Election); PCT/IB/304 (Notification Concerning Submission or Transmittal of Priority Document); PCT/RO/101 (PCT Request); Postcard for Early Notification of the Serial Number Request.           </li> </ol>		

Attorney Docket: 27074U

MAIL STOP PCT

U.S. Application Number: (if known: No. assigned)		International Application Number: PCT/EP2004/051120		Date: December <u>9</u> , 2005	
The following fees are submitted:				<u>CALCULATIONS</u>	<u>PTO USE ONLY</u>
21. Basic National Fee ..... \$ 300.00				\$ 300.00	
22. Examination Fee If International Preliminary Examination Report prepared by USPTO and all claims satisfy Provisions of PCT Article 33(1)-(4) ..... \$ 100.00 All other situations ..... \$ 200.00				\$ 200.00	
23. Search Fee (37 CFR 1.445(a)(2) has been paid on the International Application to the USPTO as an International Searching Authority ... \$ 100.00 International Search Report prepared and provided to the Office ..... \$ 400.00 All other situations ..... \$ 500.00				\$ 400.00	
— Additional fee for specification and drawings filed in paper over 100 sheets (excluding Sequence listing or computer program listing filed in an electronic medium). The fee is \$ 250.00 for each additional 50 sheets of paper or fraction thereof.					
ENTER APPROPRIATE BASIC FEE AMOUNT =				\$ 900.00	
Surcharge of \$130.00 for furnishing the oath or declaration later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(e)).				\$ 0.00	
CLAIMS	NUMBER: FILED	NUMBER: EXTRA	RATE		
TOTAL	43-20=	23	X \$ 50.00	\$ 1,150.00	
INDEPENDENT	4-3=	1	X \$ 200.00	\$ 200.00	
Multiple dependent claims(s) (if applicable)			+ \$360.00	\$ 0.00	
TOTAL OF ABOVE CALCULATIONS =				\$ 2,250.00	
Reduction by 2 for asserting small entity, if applicable. (Note 37 CFR 1.9, 1.27, 1.28).				\$ 0.00	
SUBTOTAL =				\$ 2,250.00	
Processing fee of \$130.00 for furnishing the English translation later than <u>20</u> <u>30</u> months from the earliest claimed priority date (37 CFR 1.492(f)). +				\$ 0.00	
TOTAL NATIONAL FEE =				\$ 2,250.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$ 0.00	
TOTAL FEES ENCLOSED =				\$ 2,250.00	
				Amount to be: refunded	\$
				charged	\$

LAP8 Rec'd PCT/PTO 09 DEC 2005

Attorney Docket: 27074U

MAIL STOP PCT

U.S. Application Number:  
(if known): Not Yet Assigned

International Application  
Number: PCT/EP2004/051120

Date: December 9, 2005

**10/560116**

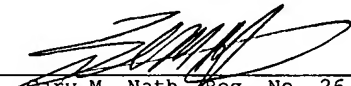
- a. ☒ One check in the amount of \$ 2,250.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account Number: 14-0112 in the amount of \$ \_\_\_\_\_ to cover the above fees. (A duplicate copy of this sheet is enclosed.)
- c. ☒ The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account Number: 14-0112.
- d. ☐ Fees are to be charged to a credit card ☐ WARNING: Information on this form may become public ☐ Credit Card Information should not be included on this form.  
☐ Provide credit card information and authorization on PTO-2038

NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed to request that the application be restored to pending status.

Send All Correspondence To:

Gary M. Nath  
NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> St., N.W., 6<sup>th</sup> Fl.,  
Washington, D.C. 20005-1503

Tel: 202-775-8383  
Fax: 202-775-8396

  
\_\_\_\_\_  
Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
Customer No. 34375

10/560116

MAILED STOP PCT  
APPROPRIATE PCT 09 DEC 2005  
Attorney Docket: 27074U  
Date: December 9, 2005

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

WOLLIN

Serial No.: Not Yet Assigned

Filed: December 9, 2005

International Appl. No.: PCT/EP2004/051120

International Filing Date: 15 June 2004 (15.06.2004)

Title: COMPOSITION COMPRISING A PULMONARY SURFACTANT AND A PDE5 INHIBITOR  
FOR THE TREATMENT OF LUNG DISEASES

TRANSMITTAL LETTER

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Submitted herewith for filing in the U.S. Patent and Trademark Office is the following:

- 1) Application Data Sheet;
- 2) Transmittal Letter to U.S. Designated/Elected Office (DO/EO/US) Concerning Filing under 35 U.S.C. 371;
- 3) International Publication Number: WO 2004/110450 A1, with PCT/ISA/210 (International Search Report); International Publication Date: 23 December 2004 (23.12.2004), which consists of 28 pages:
  - 1 page for the Cover Sheet,
  - 20 pages of Textual Specification,
  - 7 pages of 28 Claims,
  - 0 sheets of Drawings;
- 4) Preliminary Amendment with Appendices A and B to be Examined;
- 5) Executed Declaration and Power of Attorney;
- 6) PCT/IPEA/409 (International Preliminary Report on Patentability);
- 7) PCT/IB/308 (First Notice Informing the Applicant of the Communication of the International Application);
- 8) PCT/IB/308 (Second and Supplementary Notice Informing the Applicant of the Communication of the International Application)
- 9) PCT/IB/332 (Information Concerning Elected Offices Notified of Their Election);
- 10) PCT/IB/304 (Notification Concerning Submission or Transmittal of Priority Document);
- 11) PCT/RO/101 (PCT Request);
- 12) Check No.: 1346 in the Amount of \$ 2,250.00 for Basic Filing Fee, which includes the Search and Examination Fees (\$900), for 23 Total Claims over 20 (\$1,150), and for 1 Independent Claim over 3 (\$200), as a Large Entity;
- 13) Postcard for Early Notification of the Serial Number Request.

Respectfully submitted,  
NATH & ASSOCIATES PLLC

By: 

Gary M. Nath, Reg. No. 26,965  
Sheldon M. McGee, Reg. No. 50,454  
Customer No. 34375

NATH & ASSOCIATES PLLC  
1030 15<sup>th</sup> St., N.W., 6<sup>th</sup> Fl.  
Washington, D.C. 20005  
GMN/SMM/LE (NATLPHASE APPLICATION)